

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

MICHAEL ALLEN KOKOSKI,

Petitioner,

v.

CIVIL ACTION NO. 5:06-0849

CHARLES T. FELTS, Warden,
FCI Beckley,

Respondent.

ORDER

Pending are the Petitioner's Objections to the Proposed Findings and Recommendation of the Magistrate Judge and the numerous motions filed by Petitioner subsequent to his objections.

Petitioner filed this action to challenge the Bureau of Prison's decision denying Petitioner's participation in the residential drug treatment program. He asserts the Bureau of Prisons violated federal law and its own regulations. He also argues that the Bureau of Prisons has miscalculated his release date as a result and failed to place him in a community correctional facility. The Magistrate Judge's Proposed Findings and Recommendation correctly addressed the claims by Petitioner. The Bureau of Prisons is afforded considerable discretion as to a prisoner's participation in the drug treatment program and any sentence reduction. Petitioner has no right to participate in the program or receive a certain reduction in his sentence. Unlike the cases cited in his objection, the Bureau of Prison's denial of the opportunity to participate was not based on some improper categorical exclusion. Rather, the Bureau of Prisons found Petitioner ineligible for reasons specific to

Petitioner. Further, Petitioner has failed to demonstrate any error in the calculation of his release date.

For these reasons, the Court **DENIES** Petitioner's Objections, **ADOPTS** the Proposed Findings and Recommendation, and **DISMISSES** this civil action.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record, Magistrate Judge Stanley, and any unrepresented parties.

ENTER: September 27, 2007



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE